

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 254
Tuesday, July 17, 2001, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair	Dillard, Vice Chair	Butler
Tyndall		Fernandez
Walker		
Hutson		

The notice and agenda of said meeting were posted in the Office of INCOG, 201 W. 5th St., Suite 600, Thursday, July 12, 2001 at 3:25 p.m., as well as at the City Clerk's office, City Hall.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:30 p.m.

MINUTES:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays", no "abstentions"; Dillard "absent") to **APPROVE** the Minutes of May 15, 2001 (No. 252).

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays", no "abstentions"; Dillard "absent") to **APPROVE** the Minutes of June 19, 2001 (No. 253).

UNFINISHED BUSINESS

Case No. 1844

Action Requested:

Special Exception to allow church use with related facilities, day care, and private school in an AG zoned district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT and SECTION 1205. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, located 13413 E. 106th St. N.

Presentation:

Charles Horstman, 13413 E. 106th St. N., decided to add an aerobic system, which has been approved by DEQ. The construction will start on July 22, 2001

and will take ten days to build. August 16, 2001 is the first day of school. He submitted a DEQ approval form (Exhibit A-1).

Comments and Questions:

Mr. Alberty determined from the applicant that the aerobic system would increase the existing lagoon system, and be ready before school starts.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Special Exception** to allow church use with related facilities, day care, private school in an AG zoned district, with condition that for future construction applicant must present site plans to this Board showing any future development and showing adequate sewage capacity, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

A tract of land that is part of the SE/4 SW/4 of Section 9, T-21-N, R-14-E, of the IBM, starting at the SW/c of the SE/4 SW/4 of said Section 9; thence N 88°44'40" E along the Sly line of said Section 9 for 390.00'; thence N 01°13'58" W and parallel with the Wly line of the SE/4 SW/4 for 71.42' to the POB of said tract of land; thence continuing N 01°13'58 W and parallel with the Wly line of said SE/4 SW/4 for 1002.52'; thence N 88°44'37" E for 593.73'; thence S 11°12'59" W, parallel with and 100.00' Wly of as measured perpendicular to the Wly right-of-way line of US-169 for 372.31' to the NE/c of Lot 1, Block 1, Owasso Freewill Baptist Church, thence S 88°44'37" W along the Nly line of said Lot 1 for 453.47' to the NW/c of Lot 1; thence S 01°13'58" E along the Wly line of Lot 1 for 633.00' to the SW/c of Lot 1; thence S 83°02'02" W along the Nly right-of-way line of US-169 W exit ramp for 60.30' to the POB of said tract of land; AND a tract of land beg. at the SW/c of the SE/4 SW/4 of said Section; thence N 88°44'40" E and along the S line of said SE/4 SW/4 a distance of 175.93'; thence N 1°15' 20" W a distance of 50.00'; thence N 83°01'52" E a distance of 215.16'; thence N 1°13'58" W a distance of 1002.52'; thence S 88°44'37" W a distance of 390.02' to the W line of the SE/4 SW/4; thence S 1°13'58" E a distance of 1073.93'; to the POB, AND a tract of land beg. at a point 1073.93' N of the SW/c of the SE/4 SW/4 and on the W line of said SE/4 SW/4 thence N 88°44'37" E a distance of 983.75' to a point 100' W of and at a right angle to the W line of US-169; thence N 11°17'16" E a distance of 74.14'; thence N 3°15'37" E a distance of 605.72'; thence N 1°18'03" W a distance of 249.65'; thence S 88°44'37" W a distance of 1046.98' to a point on the W line of said E/2 SW/4; thence S 1°13'58" E a distance of 929.36' to the POB, all being located in Tulsa County, State of Oklahoma.

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Case No. 1868

Action Requested:

Variance of the required 30' frontage on a public street to 0'. SECTION 207. STREET FRONTAGE REQUIRED -- Use Unit 6, located 11201 N. 41st E. Ave.

Presentation:

Ms. Fernandez stated that this case was continued from the June 19, 2001 meeting. The Board previously asked for clarification on the easements. The graphics staff at INCOG mapped the easements and it was included in the agenda packet for this meeting. She stated she has been in contact with Terry West and Ray Jordan regarding these easements. She added that it was Mr. Jordan's opinion that these easements were for the rural water district rather than roadway dedication. He did not consider these easements acceptable for roadway.

Comments and Questions:

Mr. Alberty noted that the second map had a panhandle not shown on the first map and asked which is correct. Ms. Fernandez stated that staff also noted the change and they believe the first map is correct.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Walker**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard "absent") to **Deny a Variance** of the required 30' frontage on a public street to 0', finding no access easements.

Case No. 1879

Action Requested:

Use Variance to allow a manufactured home in a CS zoned district. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 6; and a Special Exception to allow a single-family home in a CS district. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS, located NE/c W. 60th St. & S. 63rd W. Ave.

Presentation:

Walter Clary, spoke for his mother, Frances Clary. They propose to place a manufactured home on the subject property. The existing mobile home is no longer fit to live in. He asked if there is a 55' setback from the centerline of the adjacent street.

Comments and Questions:

Mr. Alberty replied that is the setback requirement. He asked Mr. Clary if he has contacted the building inspector. Mr. Clary replied that he has not. Mr. Alberty stated that he must seek approval for a building permit. Mr. Alberty inquired if they plan to remove the older mobile home. Mr. Clary responded that they would be removing the existing home.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Use Variance** to allow a manufactured home in a CS zoned district; and a **Special Exception** to allow a single-family home in a CS district, with conditions to remove the old manufactured home, to have skirting, tie-downs, DEQ approval for sewage system, and all permits, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

W/2 Lot 8 and all of Lot 9, Block 4, New Taneha, Tulsa County, State of Oklahoma.

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Case No. 1883

Action Requested:

Special Exception to permit a singlewide mobile home in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 9; and a Variance to Section 208 to permit more than one single-family dwelling or mobile home on one lot of record to permit two mobile homes. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 9705 W. 61st St. S.

Presentation:

Robert and Mary Sloan, 9705 W. 61st St., Sapulpa, stated they have had two mobile homes on the subject property for 27 years. They propose to replace one of the mobile homes with a new one on the site. A form (Exhibit B-1) showing DEQ approval of sewage system was submitted.

Comments and Questions:

Mr. Alberty confirmed that the applicants know they have to go to the County Inspector for a building permit. He also confirmed that they have DEQ approval for the septic system.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Special Exception** to permit a single-wide mobile home in an RS district; and a **Variance** to Section 208 to permit more than one single-family dwelling or mobile home on one lot of record to permit two mobile homes, with conditions for DEQ approval of sewage system, skirting, tie-downs, and building permit, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 10, Block 4, Hill Top Addition, Tulsa County, State of Oklahoma.

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Mr. Tyndall out at 1:51 p.m.

Case No. 1884

Action Requested:

Special Exception to permit light manufacturing (Cultured marble) in a CG district. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 25, located 4916 W. 51st St. S.

Mr. Tyndall returned at 1:52 p.m.

Presentation:

Peggy Gaytan, P.O. Box 1810, Oakhurst, stated that they propose to start a light manufacturing business in an existing building where they have a tire shop.

Comments and Questions:

Mr. Alberty asked Ms. Gaytan to describe the manufacturing process that would take place in the building. She replied that they mix two chemicals together, form the cultured marble and then transport and install it. Mr. Walker asked about vapors and dust produced by the process. Ms. Gaytan responded that a ventilation exhaust fan to filter the air would be used. Mr. Alberty commented that DEQ would probably need to inspect and approve of the process.

Interested Parties:

Mr. Alberty noted a letter to the Board that the tenant is committed to days and hours of operation being Monday through Friday, 8:00 a.m. to 5:00 p.m., and some weekends. There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Special Exception** to permit light manufacturing (Cultured marble) in a CG district, finding the area is transitioning to industrial and that it will be in harmony with the spirit and

intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Beg. 50' S and 50' W NE/c NE, thence W 395' S 80' SE 396.79' N 115' to the POB, Section 32, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

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Case No. 1885

Action Requested:

Special Exception to allow a singlewide manufactured home in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 6 & 9; and a Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 3920 W. 59th St. S.

Presentation:

Bonnie Jarvis, 3920 W. 59th St., stated that she moved a singlewide mobile home on the subject property of 1.15 acres. It would be for her father to live near her family. She has not obtained utilities. She stated that Oakridge sewer is available for hookup. Her own house has a septic system, but they would like to connect with the Oakridge system also. She stated that her own house is old and the plan to upgrade the electricity connection and both houses would be on the same meter. She stated her intention to use it as a guesthouse when her father no longer needs it.

Comments and Questions:

Mr. Alberty asked if there are other lots in the area with more than one dwelling per lot. She replied that singlewide mobile homes do exist in the area and they are placed closer together than her homes would be, but she does not know about the division of property.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Special Exception** to allow a singlewide manufactured home in an RS zoned district, with conditions for skirting, tie-downs, DEQ approval, building permit; and a **Variance** to allow two dwelling units on one lot of record, as submitted, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

E part Tract 20, Beg. 2,735' W and 370' N SE/c thence W 150' N 335' E 150', S 335' to Beg., Section 33, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 1886

Action Requested:

Special Exception to permit a mini-storage in a CS district. SECTION 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 16, located N of NW/c W. 26th St. S. & S. 65th W. Ave.

Presentation:

Ms. Fernandez stated that the applicant has asked for a continuance and there are interested parties. The applicant was not present.

Comments and Questions:

Mr. Alberty noted a letter from the applicant stating he discovered that a portion of the property would need to be re-zoned.

Interested Parties:

There were interested parties present. Mr. Alberty informed them that the case would be continued to the meeting in August. He also suggested that they check for any change in the agenda, since there will probably not be sufficient time to obtain re-zoning before the August meeting date for the Board. He advised the interested parties that Ray Jordan, County Engineer, was present at this meeting if they had questions.

Board Action:

On **MOTION** of **Tyndall**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard "absent") to **CONTINUE** Case No. 1886 to the meeting on August 21, 2001.

Case No. 1887

Action Requested:

Variance of Section 208 limiting one single-family dwelling on a lot of record to permit two dwelling units on a tract of 2.29 acres in an AG district. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD -- Use Unit 8; and a Variance to lot and land area requirements in an AG district. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 3893 E. 86th St. N.

Presentation:

Brenda Sanders, 3893 E. 86th St. N., Sperry, stated she and her husband own the subject property. They propose to build a second dwelling on the back of the property. It would be a stick built home with a separate septic, and utility meters. They desire to keep the property in the same ownership.

Comments and Questions:

Mr. Alberty asked if it would be for a family member or other. Ms. Sanders stated they would move into the new home and do not have definite plans for the existing dwelling. Mr. Alberty commented that because of the AG zoning they need a hardship for the variance. Ms. Sanders stated that staff advised them to seek the variance.

Interested Parties:

Dorothy Lewis, 3951 E. 86th St. N., stated that she lives east of the subject property. She made a stipulation in the deed for roadway easement of 20' between the two properties.

Board Action:

On **MOTION of Walker**, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard "absent") to **APPROVE** a **Variance** of Section 208 limiting one single-family dwelling on a lot of record to permit two dwelling units on a tract of 2.29 acres in an AG district; and a **Variance** to lot and land area requirements in an AG district, subject to a building permit and meeting all zoning requirements, finding the hardship as presented, on the following described property:

A tract of land in the W/2 E/2 E/2 SW/4 and the W/2 E/2 SW/4 of Section 21, T-21-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, more particularly described as: Commencing at the SW/c E/2 E/2 W/2 E/2 SW/4 of Section 21, thence N 90°58'50" E along the S line of said SW/4 a distance of 20.00' to the POB; thence N 0°11'00"E, a distance of 440' to a point; thence N 89°58'50" E and parallel to the S line of said SW/4 a distance of 227.50' to a point; thence S 0°11'0" E a distance of 440' to a point on the S line of the SW/4 of Section 21, thence S 89°58'50" W along the S line of Section 21, a distance of 227.50' to the POB.

There being no further business, the meeting was adjourned at 2:17 p.m.

Date approved: 8/21/01
Wayne Alberty
Chair